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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/469,644	12/22/1999	ALLAN R. GRIEBENOW	065446.0128	5227

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DALLAS, TX 75201-2980

EXAMINER

PHILIPPE, GIMS S

ART UNIT	PAPER NUMBER
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2613

DATE MAILED: 03/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/469,644

Applicant(s)

GRIEBENOW, ALLAN R.

Examiner

Gims S Philippe

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 3/28/05.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 and 13-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 13-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 28, 2005 has been entered.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-11, and 13-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vaio (US Patent no. 6,271,752) in view of Aviv (US Patent no. 6,028,626), and further in view of Nerlikar (US Patent no. 5,629,981).

Regarding claims 1, and 15-20, Vaio discloses a method for providing remote monitoring services (See Vaio's Abstract). The method comprising receiving and storing video data from a video data facility, and providing the subscriber with access to and

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control of a video camera in the video system at the facility (See Viao col. 3, lines 14-36, col. 4, lines 61-65).

It is noted that although Viao provides the subscriber with access (See Viao col. 4, lines 5-14), it is silent about providing the subscriber with the radio frequency identification data from the RFID system as specified.

However, Aviv discloses providing a subscriber with the radio frequency identification data from an RFID system (See col. 9, lines 60-67 and col. 10, lines 1-10). The applicant should duly note that the image of wearer in Aviv is also recorded and disclosed in col. 10, lines 4-9.

Therefore, it is considered obvious that one skilled in the art at the time of the invention would recognize the advantage of modifying the remote monitoring method of Viao by incorporating a radio frequency identification data from an RFID system. The motivation for performing such modification in Viao is to help when users are being identified by providing the subscriber with ID cards that include the electronic radio frequency transmitter with the appropriate encrypted authorization code as taught by Aviv (See Aviv col. 13, lines 44-51).

It is noted that the combination of Viao and Aviv is silent about processing the RFID data to generate a report for the subscriber as specified in newly amended claim 1.

Nerlikar discloses providing remote monitoring services including the step of processing the RFID data to generate a report for the subscriber (See Nerlikar col. 7, lines 59-67 and col. 8, lines 1-14).

Therefore, it is considered obvious that one skilled in the art at the time of the invention would recognize the advantage of modifying the RFID data of the proposed combination of Vaio and Aviv by incorporating Nerlikar's step of processing the RFID data to generate a report for the subscriber. The motivation of performing such a modification in the above combination is to provide an audit-trail of each user defined transaction as taught by Nerlikar (See Nerlikar col. 8, lines 5-7).

As per claim 2, most of the limitations of this claim have been noted in the above rejection of claim 1. In addition, Vaio further discloses providing the subscriber with access wherein the video information is received over the Internet (See Vaio fig. 1, item 6, and col. 4, lines 61-65).

As per claims 3-4 and 6-7, most of the limitations of this claim have been noted in the above rejection of claim 1. In addition, Vaio further discloses processing the data to determine whether an alert condition exists and notifying the subscriber if an alert condition exists, and wherein the alert is a subscriber defined alert (See Vaio's Abstract, col. 4, lines 15-34, lines 61-65, and col. 6, lines 9-12).

As per claim 5 and 21-23, most of the limitations of this claim have been noted in the above rejection of claim 3. In addition, Vaio further discloses generating an e-mail to the subscriber (See Vaio col. 4, lines 5-14).

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As per claims 8-11, and 24, most of the limitations of this claim have been noted in the above rejection of claim 1.

It is noted that although ViaoS discloses a polling event (See ViaoS col. 3, lines 24-41, col. 4, lines 47-61), it is silent about the use of the RDIF to poll when dealing with a specific pre-defined time and periodic event as specified.

Aviv discloses using RDIF to poll when dealing with a specific pre-defined time and periodic event (See Aviv col. 9, lines 25-37, lines 60-64, and col. 8, lines 48-67).

Therefore, it is considered obvious that one skilled in the art at the time of the invention would recognize the advantage of modifying ViaoS' polling step of the remote monitoring method by incorporating the step of using RDIF to poll when dealing with a specific pre-defined time and periodic event. The motivation for performing such modification in ViaoS is to provide a cost efficient monitoring system, which depends on the level of security of a specific location as taught by Aviv (See Aviv col. 8, lines 45-51).

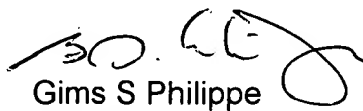
As per claims 13-14, since the system provided by ViaoS includes an operating software providing resource allocation and computational mechanism, it is plausible to conclude that in such a system, the time and attendance of the subscriber is rather inherent at the time of programming a handshaking step as disclosed in col. 3, lines 32-64 and in col. 4, lines 30-66.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gims S Philippe whose telephone number is (571) 272-7336. The examiner can normally be reached on M-F (9:30-7:00) Second Monday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris S Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Gims S Philippe
Primary Examiner
Art Unit 2613

GSP

March 20, 2005